had the advantage on his trial of the extremely liberal provisions of our law, and has been convicted by a jury, claim the advantage of a second chance before a bench of judges? Trial by jury is reprobated by some more or less perfectly informed persons, but never, probably, on the ground that it is too apt to convict the innocent. If the jury is not to be abandoned, it would seem a sufficiently liberal tribunal for the determination of fact. For revision because of errors of law, on the other hand, a court ought surely to be provided; and the chief defect of the English judiciary to-day is that for error of law in the course of the trial a convicted person cannot secure a new trial. The absence of a Court of Criminal Appeal on points of law is a glaring defect of English justice.

Both these points are emphasized by the case of Florence Maybrick. That the woman was morally guilty of the murder of her husband is probable on the evidence; whether a verdict of guilty could legally be justified on the evidence is doubtful; but that she had a fair and legal trial no lawyer, on reading the report of the trial, could possibly affirm. In an American court a hundred valid exceptions would have been taken to the judge's charge, and no lawyer would have consented to argue them for the prosecution. The conviction is in fact a sombre monument of the decay of a great intellect. If a Court of Criminal Appeal for revision of errors of law had existed at the time of the trial, Mrs. Maybrick would have obtained a new trial; she could not ask for more than that. If revision on the facts had been legally attainable, she would have had a slender chance of acquittal. J. H. B. Jr.

A Treatise on the Law of Evidence. By Simon Greenleaf. Sixteenth Edition, revised, enlarged, and annotated by John Henry Wigmore. Boston: Little, Brown & Co. 1899. pp. cxxxiv, 993.

Few text-books have had so great an influence in moulding a branch of the law as Greenleaf's Evidence. Since its first appearance in 1842 it has been constantly followed by the courts, and it may be said that very much of it — errors and all — has been assimilated into American law. But certain factors have worked great changes in the law of evidence since the time of its publication: broad statutory changes have cut out whole blocks of the law, there has been a surprising extension of certain principles in new and unexpected directions, and again careful study of the subject has altered — nay, subverted — old ideas of its principles. And in the mean time the classic of the subject has passed through constant editions with surprisingly little change save the piling up of citations. With the full consciousness of these conditions Mr. Wigmore has prepared the sixteenth edition of Greenleaf — and it is more than a re-editing of the book, it is a remoulding of it. The substantial part of Greenleaf — so much as has become of the tissue of the law — the editor has left in its old form. This he has surrounded with new sections which amplify, explain, and correct it. Where the original text is entirely inadequate or obsolete, it is relegated to appendices, and entire new chapters are inserted. In his exposition of the principles of the law of evidence the editor has largely followed the work of Professor Thayer. In the general plan, as well as in detail, — and he is the first to claim it, — he has made constant use of Professor Thayer's results. The amount of work in Mr. Wigmore's edition is monumental, more, it seems, than if he had written an entirely new treatise. Not only is the law of evidence carefully examined and minutely worked

out, but, harder still, all this new matter he has fitted into the original Greenleaf, and the work is well done. The completeness of the lists of authorities brought down to date, care in composition, a thorough grasp of principles, and orderly workmanship at once mark the work apart from the modern machine-made text-book. Sometimes perhaps the author shows a certain rashness in his statements, a willingness to see the progress of the law in the progressive tendencies of certain jurisdictions; but on the whole it is eminently sound. There is one practical objection to the book — perhaps unavoidable, when we remember the plan of the edition — it is not an easy book to use. Mr. Wigmore's mechanical devices for distinguishing the various strata of Greenleaf, and his editors are hardly adequate, the sublettering of sections that almost exhausts the alphabet is inconvenient, and the original Greenleaf is sometimes almost muffled by the explanations. Again, those portions of the text which Mr. Wigmore has himself supplied are occasionally not clear because of an overminuteness of detail. But these are the almost necessary faults of an exhaustive text-book; in spite of them, Mr. Wigmore's work is admirable.

J. P. C. JR.

THE LAW OF PRESUMPTIVE EVIDENCE. By John D. Lawson. Second Edition. St. Louis: Central Law Journal Company. 1899. pp. xcii, 710.

Presumptions and rules of presumption are commonly enough classified as belonging peculiarly to the law of evidence, — an error doubtless due to ill-considered phraseology of the judges. A presumption — that which is taken for granted — is merely a name for a method of abbreviating judicial inquiries — a short cut in argument based on probability or on policy. It belongs primarily to the subject of "legal reasoning;" and in many cases it hardens into a fixed rule of substantive law, — as where twenty years' adverse possession requires the inference of a lost grant. The facts on which the presumption is based are evidence, but the rule of inference does nothing more than fix the "legal equivalence of facts." Thayer, Preliminary Treatise on Evidence, 317. In view of this the title of the second edition of Mr. Lawson's book, "The Law of Presumptive Evidence," would seem ill-phrased. A presumption may accomplish the result of evidence, — it cannot be styled so much probative matter.

But although the title be questionable Mr. Lawson's work is a distinct success. The first edition aimed to set forth the law of presumptions under one hundred and thirty-nine rules, illustrated from decided cases with discussions showing the reasoning of the courts in applying a particular rule. In this second edition the author has brought the book up to date with an exhaustive list of authorities. He has introduced also a novel feature in indicating on a side page which of the particular rules have been approved by courts of last resort. The subject is dealt with in six parts: The Presumption of Knowledge; The Presumptions of Regularity and Innocence; The Presumptions of Continuance aud Uniformity; The Presumptions in the Law of Real Property; The Presumptions in Criminal Cases; General Rules. Unencumbered by lengthy commentary of the reasons for or against any particular rule, the book is an admirable working manual of ready reference. No attempt has been made to point out the relation of presumptions to other branches of the law or to choose between conflicting theories — notably on p. 255. Mr.